

TOWN BOARD  
GARNERVILLE, NY  
FEBRUARY 23, 2009

The Town Board of the Town of Haverstraw met at a Regular Meeting on Monday, February 23, 2009 at 8:00 p.m. in the Meeting Room of the Town Hall, One Rosman Road, Garnerville, New York.

The meeting was opened with the Pledge of Allegiance.

On Roll Call the following members answered to their names:

Supervisor	Howard T. Phillips, Jr.
Councilman	Isidro Cancel
Councilman	Vincent J. Gamboli (Absent)
Councilman	John J. Gould
Councilman	Hector L. Soto

**ADOPTION OF MINUTES**

**110-09** **THREE PUBLIC HEARINGS AND TOWN BOARD MINUTES OF FEBRUARY 9, 2009** submitted by the Town Clerk on motion by Councilman Soto, seconded by Councilman Gould, were unanimously adopted.

**PAYMENT OF BILLS**

Councilman Cancel offered the following resolution, which was seconded by Councilman Gould, and on roll call unanimously adopted.

**111-09** **RESOLVED**, that bills numbered 532 through and including 718 in the amount of \$2,197,050.93 and Highway Vouchers numbered 80 through and including 123 in the amount of \$110,984.31 audited at this meeting, be and they are hereby paid.

**ACCEPTANCE OF REPORTS**

Councilman Soto offered the following resolution, which was seconded by Councilman Cancel, and on roll call unanimously adopted.

**112-09** **RESOLVED THAT THE FOLLOWING POLICE ACTIVITY REPORT HAS BEEN SUBMITTED AND IS HEREBY ACCEPTED: POLICE DEPARTMENT ACTIVITY REPORT FOR THE MONTH OF DECEMBER 2008.**

**MARY ELLEN PESCI SPEAKING REGARDING BRAIN INJURY  
AWARENESS MONTH**

Mary Ellen Pesci, a Traumatic Brain Injury (TBI) survivor, spoke to the public to promote brain injury awareness month. March is brain injury awareness month. Ms. Pesci spoke about her experience that occurred more than 10 years ago that left her with a brain injury. Ms. Pesci informed the public of the causes of brain injury, the impact on their families and ways of prevention. She has a wonderful husband who has stayed by her side. Mary Ellen works at Haverstraw Middle School and volunteers more than 30 hours a week to brain injury causes. She has used her experience as a social worker to get through her ordeal. Barry Dain, a representative from Helen Hayes Hospital and who is a member of the Brain Injury Association, also spoke.

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**PRESENTATION OF PLAQUE TO THE NORTH ROCKLAND MIDGET  
FOOTBALL TEAM**

Coach Cassarella and Coach Cordisco along with Coach Lou Welsh of the Red Raider Junior Midgets Team, presented individual plaques to the players. Supervisor Phillips and the Town Board members presented a plaque to the team with the following inscription:

**2008 NORTH ROCKLAND RED RAIDER JUNIOR MIDGET'S**

*Michael Cappabianca  
Kayvaugn Chisholm  
Nicholas Clifford  
Nicholas Connell  
Robert Coyne  
Michael D'Agostino  
Eric Favors  
James Geberth  
Stephen Kasamis  
Michael Keating  
Kyle Leonard  
Patrick Lutkevich  
Daniel Moore*

*Daniel Noel-Jemison  
Matthew Randt  
Brandon Respress  
Justin Respress  
Dominick Rodriguez  
Daniel Romano  
Jack Sullivan  
Ricardo Tavarez  
Jack Terbush  
Dylan Torpey  
Demond Vaughan  
Julian Velazquez  
Michael Warren*

***LOU WELSH  
HEAD COACH  
ASSISTANT COACHES***

***CHRIS LANDRY  
RYAN REILLY  
MICHAEL CAPPABIANCA***

***RICHARD LUTKEVICH  
CHRIS SULLIVAN  
MICHAEL WARREN***

***TEAM PARENT  
BOBBIE MOORE***

**FOR CAPTURING THE TITLES OF  
2008 U.S. NATIONAL POP WARNER CHAMPIONS  
EASTERN REGION CHAMPIONS  
AND  
ROCKLAND COUNTY CHAMPIONS  
UNDEFEATED 14-0**

**IT IS WITH GREAT PRIDE AND ESTEEM THAT THIS PLAQUE BE  
PRESENTED FOR DEMONSTRATING THE CHARACTER AND EXPERTISE  
REQUIRED IN U.S. NATIONAL CHAMPIONS  
ON THIS 23<sup>RD</sup> DAY OF FEBRUARY 2009**

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**TOWN OF HAVERSTRAW 2009 SUMMER CONCERT SERIES**

Councilman Cancel offered the following resolution, which was seconded by Councilman Gould, and on roll call unanimously adopted.

**113-09 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AUTHORIZE THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE FOLLOWING BANDS FOR THE PURPOSE OF PROVIDING MUSICAL ENTERTAINMENT FOR THE TOWN OF HAVERSTRAW'S 2009 SUMMER CONCERT SERIES AT BOWLINE POINT PARK:**

**CARNABY STREET - THURSDAY, JULY 16, 2009 – 7:30 P.M. – 9:00 P.M. AT A COST OF \$900.00**

**NYC SOUL BAND – THURSDAY, JULY 23, 2009 – 7:30 P.M. – 9:00 P.M. AT A COST OF \$1,450.00**

**THE HIP POCKET BAND – THURSDAY, AUGUST 6, 2009 – 7:30 P.M. – 9:00 P.M. AT A COST OF \$1,000.00**

**MIDNIGHT HOUR - THURSDAY, AUGUST 20, 2009 - 7:30 PM - 9:00 PM AT A COST OF \$800.00**

**SJP BAND – THURSDAY, AUGUST 27, 2009 – 7:30 PM - 9:00 PM AT A COST OF \$800.00**

**THE KOOTZ – THURSDAY, SEPTEMBER 3, 2009 – 7:30 PM – 9:00 PM AT A COST OF \$800.00**

**STIPULATION OF AGREEMENT WITH THE VILLAGE OF HAVERSTRAW CONCERNING STEVEN COLLAZO**

Councilman Gould offered the following resolution, which was seconded by Councilman Soto, and on roll call unanimously adopted.

**114-09 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY APPROVES A STIPULATION AGREEMENT WITH THE VILLAGE OF HAVERSTRAW DATED JANUARY 30, 2009 AND HEREBY AUTHORIZES THE SUPERVISOR TO EXECUTE SAME AND TAKE ALL ACTIONS CONSISTENT WITH THE TERMS THEREOF.**

**REIMBURSEMENT AGREEMENT WITH TOMMY VANSKYOCK**

Councilman Cancel offered the following resolution, which was seconded by Councilman Gould, and on roll call unanimously adopted.

**115-09 RESOLVED, THAT THE TOWN OF HAVERSTRAW HEREBY REIMBURSES TOMMY VANSKYOCK IN THE AMOUNT OF \$186.08, REPRESENTING THE SALARY FOR ONE DAY'S PAY THAT HE SHOULD HAVE RECEIVED, BUT DID NOT RECEIVE.**

**BUDGET ADJUSTMENTS FOR PERIOD ENDING 12/31/08**

Councilman Soto offered the following resolution, which was seconded by Councilman Gould, and on roll call unanimously adopted.

**116-09 RESOLVED, THAT THE SUPERVISOR IS AUTHORIZED TO MAKE BUDGET ADJUSTMENTS FROM THE GENERAL FUND (A) IN THE AMOUNT OF \$1,177,100; PART TOWN (B) IN THE AMOUNT OF \$25,000; HIGHWAY (DA) IN THE**

**AMOUNT OF \$99,000.00 AND REFUSE AND GARBAGE (SR) IN THE AMOUNT OF \$67,000. PURSUANT TO THE REPORT OF THE DIRECTOR OF FINANCE FOR THE TOWN OF HAVERSTRAW FOR THE PERIOD ENDING DECEMBER 31, 2008. (SEE ATTACHED BUDGET ADJUSTMENTS.)**

**DESIGNATION OF OFFICIAL DEPOSITORIES**

Councilman Cancel offered the following resolution, which was seconded by Councilman Gould, and on roll call unanimously adopted.

**117-09 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO DESIGNATE WEBSTER BANK OF RYE, NEW YORK AS AN ADDITIONAL DESIGNATION OF OFFICIAL DEPOSITORY FOR THE TOWN OF HAVERSTRAW.**

**SURPLUS VEHICLE TOWN OF HAVERSTRAW PARKS DEPARTMENT**

Councilman Gould offered the following resolution, which was seconded by Councilman Cancel, and on roll call unanimously adopted.

**118-09 RESOLVED, THAT THE TOWN BOARD HEREBY DECLARES ONE (1) 1998 CHEVY DUMP TRUCK VIN#1GBJK34R1WF029252 AS A SURPLUS VEHICLE FOR THE TOWN OF HAVERSTRAW PARKS DEPARTMENT.**

**RETROACTIVE TAX EXEMPTION FOR RCSWA**

Councilman Cancel offered the following resolution, which was seconded by Councilman Soto, and on roll call unanimously adopted.

**119-09 WHEREAS, LEGISLATION WILL BE INTRODUCED IN THE NEW YORK LEGISLATURE THAT WOULD GRANT AUTHORITY FOR THE TOWN TO ACCEPT RETROACTIVE APPLICATION BY THE ROCKLAND COUNTY SOLID WASTE MANAGEMENT AUTHORITY FOR REAL PROPERTY TAX EXEMPTIONS, AND**

**WHEREAS, THE STATE LEGISLATURE REQUIRES THE TOWN BOARD TO STATE THAT IT WILL GRANT THE RETROACTIVE TAX EXEMPTION ONCE APPROPRIATE STATE AUTHORITY IS GRANTED,**

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF HAVERSTRAW THAT IT HAS NO OBJECTION TO THE PASSAGE OF THE ABOVE LEGISLATION AND IT HEREBY AGREES THAT IT WILL GRANT TAX EXEMPTION FOR THE ABOVE PROPERTY FOR THE TAX YEAR IN QUESTION IF LEGISLATION IS PASSED AND SIGNED BY THE GOVERNOR.**

**APPROVAL OF AGREEMENT WITH HECTOR TORRES PURSUANT TO SECTION 32 OF THE WORKERS' COMPENSATION LAW**

Councilman Soto offered the following resolution, which was seconded by Councilman Gould, and on roll call unanimously adopted.

**120-09 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH HECTOR TORRES PURSUANT TO SECTION 32 OF THE WORKERS' COMPENSATION LAW.**

**PUBLIC PARTICIPATION**

Dan Ezratty, 12 Mountainview Drive, Thiells complained to the Town Board concerning the traffic and speeding on Mountainview Drive. Stop signs don't work – they are more of a decoration than a traffic device. Very few people come to a stop – the residents that live on the street don't even stop. Mr. Ezratty stated that he has two children and it is becoming a safety hazard. The Town is considering changing the speed limit. I don't think that changing the speed limit would be effective because there are a number of people that do not observe the signs whatsoever. They go 40-70 mph up the hill. The kids drag race up the hill.

Steven Orr, 9 Mountain View Drive, Thiells stated that he has witnessed them drag racing up the hill on Mountain View Drive.

Supervisor Phillips stated that a couple of years ago we had a similar request on Martino Way where people running stop signs. The police went in there and hit them pretty hard with tickets. They wrote over 100 summons and 75-80% of the summons were residents.

Teriann DeCarlo, 20 Mountainview Drive, Thiells stated that it is a constant problem no matter what time of the day it is.

Supervisor Phillips stated that we are trying to reduce the speed limit. If you are driving 30 mph it feels like 40 or higher. It's too fast – 30 mph in a subdivision is too fast.

Charles Miller, Chief of Police stated that we can put patrols up the Mountain View and ticket them. The tickets are only a deterrent that will last for about a month and then they will start doing it again. The residents will complain why the police are up there. The police have no problem going in and ticketing people.

Dan Ezratty, 12 Mountain View Drive, Thiells stated that his kids play ball on the front lawn. Why can't the town put speed bumps on the roads because we are in a school zone?

Supervisor Phillips stated that the board members and I have talked about speed "humps," not speed "bumps" that stop people from speeding. We can look into this and see what we can come up with.

Joe Forese, 10 Mountainview Drive stated that he has lived in the area for 40 years and this has happened in the past when the Police Department come in and ticket. Let's reach into the pockets of the ones who are breaking the law. Someone was speeding on Mountainview Drive, came across my law, and destroyed my mailbox and my son's car. We had to reach into our pockets to pay for the damage. They can't complain if they are guilty.

Supervisor Phillips stated that you bring up a good point. I will have our Superintendent of Highways, Frank Brooks go out to your neighborhood and identify the roads for the speed humps. I will also have him look at the new subdivision. We will be sending out a newsletter and we can mention what we are going to be doing.

Councilman Soto asked if the police can place the speed control that displays the speed you are traveling on their roads.

Supervisor Phillips stated that Mr. Brooks will have a report ready for the next Town Board Meeting on March 9<sup>th</sup>.

Councilman Cancel stated that the police are going to go on Mountainview Drive to patrol it more. In the past, we discussed this. How much will these speed humps cost?

Supervisor Phillips stated that they are made of blacktop and the Highway Dept. can install them. It's just a matter of waiting for the blacktop plant to open in the spring.

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Ilan Schulan, Hillside Drive, Thiells thanked the Supervisor for the safety in our neighborhood. It is very commendable. The problem is not reducing the speed limit 5 miles below. It will not make a difference. Over 30 mph means 40-50-60-70 mph. The speeders almost ran me and my dog over. Another problem is people on ATVs speeding on Mountainview and Riverglen. I can call the police and the ATVs will be gone. This is a problem that should be taken care of. The people who are causing the problems don't care about the law.

Supervisor Phillips stated that we can do a number of things. Let's start with the speed humps and the police going back up to Mountainview Drive. The humps are very successful. At the next Town Board Meeting, Mr. Brooks will bring back to us the roads that he identified for the speed humps. Everyone come back at the March 9<sup>th</sup> Town Board Meeting and we will take it from there.

Fran McDonagh, 18 Mountainview Drive, Thiells was concerned about the cars that park at the bottom of Mountainview by the dentist's office.

Supervisor Phillips stated that the dentist was given approval by the Zoning Board for the cars to park on Mountainview Drive. If we try to change it, the dentist will take us to court and we will not win. The only thing we can do is put "No Parking" signs to the corner of Mountainview Drive. I also want Building Inspector Gene Barnum and Mr. Brooks to look at the parking situation. Let the dentist know we are looking at it because we received some complaints.

Martin Bagosky, Oakwood Lane, Thiells stated that it's very heartwarming to see people out regarding speeding and ATVs. My neighbor has three ATVs under his deck. Everybody knows where they come from but they are getting away with it. As far as the 25 mph, it's a desperate move to do something. 30 mph is too fast. Something has to be done. It could possibly help a little bit. Why couldn't the Town park old police cars as decoys so these cars will slow down. There are a lot of things that can be done.

Supervisor Phillips stated that he would get with the Chief of Police to pay a visit to the houses with the ATVs.

Martin Bagosky, Oakwood Lane, Thiells stated that there has to be more patrolling going on for these repeat offenders.

Fran McDonagh, 18 Mountainview Drive, Thiells stated that perhaps these people don't know the rules of ATV use and maybe you could mention them in the newsletter.

Ilan Schulan, Hillside Drive, Thiells also commented about people using their cell phones while driving. People talk on the phone and drive fast and don't pay any attention to stop signs. I would appreciate it if the police can enforce that law and be a little more aggressive. The fines should be doubled! Mr. Schulan thanked Mr. Brooks for the additional recycle bins.

### **BOARD MEMBERS**

Supervisor Phillips stated that it is nice to see people coming out to the meeting. We have a lot of things going on in the Town. Hopefully, we can get the newsletter out.

Ash Wednesday is this week and the beginning of Lent.

We hope to see everyone back at our March 9<sup>th</sup> Town Board meeting. Please don't hesitate to give us a call if you have any concerns.

First Saturday in March, the Town Board members and I will be at the Met Stop Supermarket from 10 am – 12:00 pm.

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**ADJOURNMENT**

**121-09** Supervisor Howard T. Phillips, Jr. stated that he would like to close tonight's meeting in memory of William V. Dandrea, Arthur DeLeeuw, Jr., Margaret MacNair, Carolyn Fain, Dorothy Walker, Rita Ladoue, Anthony Antonini, Marie Tudico, Alice Massillio, Marcos Seda, Jr., and Caryl-Jo Collyer who recently passed away. Supervisor Phillips, the Town Board members and the Elected Officials further extended their condolences and sympathy to the families. Thereafter, a motion was made by Councilman Soto, seconded by Councilman Gould to adjourn to Workshop.

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**JOSEPHINE E. CARELLA**  
Town Clerk